IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 6974 of 2007()

CRIME NO.355/2007 OF KARAMANA POLICE STATION, THIRUVANANTHAPURAM.

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PETITIONER/10TH ACCUSED

ANILKUMAR, S/O.JANARDHANAN,
THANNIARTHAL VEEDU, MOTTAMOODU,
NARUVAMOODU P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.V.S.BABU GIREESAN

RESPONDENTS: COMPLAINANT

C.I. OF POLICE, THAMPANOOR,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6974 of 2007

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Dated this the 20th day of November, 2007

ORDER

Application for regular bail. Petitioner is the 10th accused in a crime registered, inter alia, under Section 302 IPC. Two persons were done to death by a group of nine persons that is accused 1 to 9 on 30.9.07. It is the case of the prosecution that accused 2 and 10 had conspired together to do away one of the deceased by name Shaji. The said Shaji is alleged to have earlier good friendship with the petitioner. But subsequently their relationship has turned sour for various reasons. The petitioner herein had allegedly conspired with accused No.2, who had also animosity against the deceased. In furtherance of said conspiracy, accused 1 to 9 had allegedly proceeded together in a vehicle and had unleashed the attack on the said deceased Shaji and another. Both of them suffered injuries and succumbed to such injuries later. Accused 1 and 5 were arrested and produced on 1.10.07. In the course of the investigation, the petitioner was arrayed as an accused and was arrested on 14.10.2007. The petitioner continues in custody

from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He had no animosity, whatsover, against the deceased. The allegations to that effect are false and fabricated. The learned counsel for the petitioner has taken pains to take me through various remand reports to show that the case of the prosecution has undergone transformation and subsequently the petitioner has been arrayed as an accused. The learned counsel for the petitioner submits that in the remand report was filed as soon as the arrest of A1 to A5 took place, there is no specific role assigned to the petitioner at all. The investigation proceeded. The petitioner has been brought on the array of parties with malicious intent. The petitioner may, in these circumstances, be granted regular bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The allegations revealed are serious and grave. Indications galore to suggest that the offences have been committed in pursuance of a conspiracy. The learned Public Prosecutor particularly places reliance on the confession statements of

accused 2 and 10 to unveil the case of the prosecution. The learned Public Prosecutor further submits that the Investigating Officer have been able to identify the close contact between accused 2 and 10 prior to and subsequent to the crime which clearly and unmistakably suggest the culpable and contumacious role of the petitioner in the crime that was committed. At any rate, the petitioner may not be enlarged on bail at this early stage of investigation. The Investigating Officer may be granted sufficent further time to complete the investigation.

4. I have considered all the relevant inputs. The learned counsel for the petitioner has taken me through the remand reports etc. The learned Public Prosecutor has taken me through the confession statements of the accused. At this stage, I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs including the nature and gravity of the allegations, quality and quantity of the data collected, stage of investigation etc., I am not persuaded to grant regular bail to

the petitioner at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation not, at any rate, prior to 04.12.2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE